

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on May 13, 2010. The Office Action rejects Claims 44 and 45 under 35 U.S.C. § 112, Claims 1, 18, 19, 21, 27-30 and 33 under 35 U.S.C. § 102. The Patent Office notes that Claims 20 and 49-52 are allowed and that Claims 26, 31, 32, 34-43, and 46-48 would be if rewritten in independent form. In addition, the Patent Office notes that Claims 44 and 45 would be allowable if the 35 U.S.C. § 112 rejection was overcome. In response, Claims 1, 18, 19, 21 and 33 have been canceled. Claims 26, 27-30, 31, 32, 34, 35, 36 and 44 have been amended. No new matter has been added. Applicants respectfully submit, for the reasons set forth below, that the patent application is now in a condition for allowance and respectfully request that it be passed to allowance.

With respect to the anticipation rejection of Claims 1, 18, 19, 21, 27-30 and 33, these claims have been canceled and Claims 27-30 amended to depend from Claim 26. Accordingly, this rejection is now moot.

Claims 44 and 45 stand rejected because there is no antecedent basis for the word "capsule" recited in Claim 44 at line 4. In response, antecedent basis has provided for the term "capsule." Accordingly, Applicants respectfully request that the rejection of Claims 44 and 45 that depends therefrom under 35 U.S.C. § 112 be withdrawn.


Claims 26, 31, 32, 34-43 and 46-48 have been noted be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, Claims 26, 31-32 and 34-36 have been rewritten in independent form including all of the limitations of any intervening claim. Applicants respectfully submit that these claims are now in a condition for allowance. Applicants also note that Claims 27-30, 37-43 and 46-48 are also allowable as they depend from these newly-amended claims.

For the foregoing reasons, Applicants respectfully submit that the above-identified patent application is in a condition for allowance. Applicants respectfully request that the Patent Office pass it to allowance. To the extent the Patent Office has any questions or any further amendments are necessary to the claims, Applicants respectfully request that the Patent Office telephone Applicants' undersigned attorney.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 02-1818.

Respectfully submitted,

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